**Before The**
**Federal Communciations Commission**
**Washington, DC 20554**

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| In the Matter of<br>Implementation of the NET 911 Improvement Act of 2008 | )<br>)<br>)<br>) | WC Docket No. 08-171 |

# COMMENTS OF TELECOMMUNICATION SYSTEMS, INC.


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**COMMENTS**
**OF**
**TELECOMMUNICATION SYSTEMS, INC.**

TeleCommunication Systems, Inc. ("TCS") hereby submits these comments in response to the Notice of Proposed Rulemaking ("NPRM") released by the Federal Communications Commission ("Commission" or "FCC") in the above-referenced proceeding.[1] As noted in this NPRM, the Commission must, no later than October 21, 2008, issue regulations implementing certain key provisions of the New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act) that, among other things, ensure that providers of IP-enabled voice services[2] have access to the capabilities they need to provide 911 and E911 service.[3] The Commission asked in this docket, *inter alia*, for an answer to the question; "Are pseudo Automatic Number Identification (p-ANI), . . . or other "elements" appropriately considered "capabilities" under the NET 911 Act?"[4] The answer to this question is "yes". Moreover, in light of this fact the Commission should take all actions necessary to ensure that IP-enabled voice service providers receive access to p-ANI resources.[5]

[1] *Notice of Proposed Rulemaking In the Matter of the Implementation of the NET 911 Improvement Act of 2008,* WC Docket No. 08-171, (Adopted August 22, 2008 and Released August 25, 2008) ("NPRM")

[2] Because a number of different proceedings are referenced in this document, several terms are used (as may be used in the context of each proceeding) to refer to VoIP service providers. All of these and similar terms are intended to apply to the same entities: "Providers of IP-enabled voice services"; "IP-enabled voice service providers"; "VoIP service providers"; "nomadic VoIP service providers"; "nomadic interconnected VoIP service providers" and "interconnected nomadic VoIP service providers."

[3] New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-__, __ Stat. __, Preamble (NET 911 Act) (amending Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1286 (Wireless 911 Act). The NET 911 Act was signed into law on July 23, 2008 giving the Commission a deadline to issue regulations no later than October 21, 2008. *See* NET 911 Act § 101(2); Wireless 911 Act § 6(c)(1).

[4] NPRM at 3.

[5] At page 6 of the NPRM the Commission also asked "what other issues relating to the NET 911 Act" it should consider. For the reasons stated herein, this presents an additional ground for Commission consideration of TCS' request.

As one of the simplest, most efficient, and least disruptive ways to ensure such access, TCS urges the FCC to modify its rules to permit the VoIP Positioning Center ("VPC") providers, without whose services many IP-enabled voice service providers could not provide E911 service, to have direct access to p-ANI resources and/or grant TCS' Petition, originally filed in CC Docket 99-200, seeking a waiver of Section 52.15(g)(2)(i) of the Commission's Rules[6] so that TCS as a VPC is deemed to be an eligible user of and may obtain Emergency Service Query Keys ("ESQKs")[7] without having to demonstrate that it has been ". . . licensed or certified by the FCC or a state commission to operate as a telecommunications carrier . . ."[8] It is necessary for the FCC to act now because of the mandates of the NET 911 Act. Otherwise the Commission will leave unresolved an issue which would negatively impact upon public safety by hindering the ability of IP-enabled voice providers to offer full E911 capabilities for all ported numbers.

## Introduction And Summary

TCS is one of the primary providers of VPC service and in this capacity provides location information for E911 calls for over 100 million subscribers of wireless and VoIP

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[6] *Petition of TeleCommunication Systems, Inc. and HBF Group, Inc. for Waiver of Part 52 of the Commission Rules*, CC Docket No. 99-200 (filed February 20, 2007) ("Waiver Petition"). Section 52.15(g)(2)(i) provides in relevant part that an applicant for initial numbering resources must provide evidence that it "is authorized to provide service in the area for which the numbering resources are being requested." TCS seeks a waiver of this requirement to the extent that its application would require TCS to obtain certification as a condition of eligibility for utilization of ESQKs. TCS is not seeking a waiver of the remainder of part 52.

[7] ESQK's are also called pseudo Automatic Number Identification ("p-ANI")

[8] *See* Letter dated September 8, 2006 from Thomas J. Navin, Chief, Wireline Competition Bureau to Thomas M. Koutsky, Chair North American Numbering Council and Amy L. Putnam, Director, Number Pooling Services NeuStar, Inc. ("NeuStar") (hereinafter referred to as the "Navin Letter"). Section 52.15(g)(2)(i) provides in relevant part that an applicant for initial numbering resources must provide evidence that it "is authorized to provide service in the area for which the numbering resources are being requested." TCS seeks a waiver of this requirement to the extent that its application would require TCS to obtain certification as a condition of eligibility for utilization of ESQKs. TCS is not seeking a waiver of the remainder of part 52.

service providers. In so doing, TCS handles over 110,000 E911 call per day. VPC service of the type provided by TCS is critical to the ability of IP-enabled voice service providers to comply with the Commission's requirement that they supply 911 capabilities to their customers. In order to provide this service, VPCs such as TCS must have access to ESQKs. Unfortunately, by letter dated September 8, 2006 from Thomas J. Navin, Chief, Wireline Competition Bureau to the North American Numbering Council and NeuStar, Inc., Mr. Navin indicated that VPCs seeking ESQKs from NeuStar must be licensed or certified by the FCC or a state commission consistent with Part 52 of the Commission's Rules.[9]

The Commission has in various instances recognized a "bright line" between both the privileges of and obligations imposed upon an entity deemed a telecommunications carrier and those applicable to a non-certificated entity. The NET 911 Act was designed, in part, to permit uncertified IP-enabled voiced providers access to resources traditionally reserved to "carriers", and thereby resolve the uncertainty over the issue of their access to E911 capabilities that has been caused by repeated Commission pronouncements that IP-enabled voice providers are not carriers.[10] Moreover, logic dictates that if the NET 911 Act is to have full effect then vendors to IP-enabled voice providers, utilizing capabilities on their behalf, must have the same privileges; otherwise other important considerations of the Commission, such as number pooling and conservation, would be frustrated. [11]

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[9] Navin Letter at 3.

[10] An example of one such FCC decision is: *IP-enabled Services; E911 Requirements for IP-Enabled Service Providers*, WC Docket Nos. 04-36, 05-196, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245 (2005) (*VoIP 911 Order*), *aff'd Nuvio Corp. v. FCC*, 473 F.3d 302 (D.C. Cir. 2006).

[11] *Numbering Resource Optimization,* CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574, 7625, para. 122 (2000) (NRO First Report and Order). In the NRO First Report and Order, the Commission determined that implementation of pooling is essential to extending the life of the North American Numbering Plan (NANP) by making the assignment and use of

In addition, as was recognized in the Navin Letter, the Commission has a parallel tradition of granting waivers where appropriate. Specifically, the Commission may waive its rules for good cause[12] and where strict application of a rule would be contrary to the public interest.[13] In determining whether to grant a waiver, the Commission may consider hardship, equity, or the fact that a more effective implementation of public policy will attend the granting of the waiver.[14]

To date, one of the privileges that, absent a waiver or enabling legislation, has been limited to entities with carrier status is access to numbering resources.[15] However, as was implicitly acknowledged in the Navin Letter,[16] p-ANI/"ESQK resources fall into a gray area; so much so, that the Bureau Chief believed it necessary to provide clarification for NeuStar regarding the management of p-ANI / ESQKs. Therefore, even before the mandate of the NET 911 Act was imposed, the Bureau recognized that the Commission could waive the aforementioned certification requirement upon a showing that applicable state and local emergency service fees were paid and appropriate universal services fund ("USF") contributions were satisfied.[17] Given that ESQK / p-ANI resource

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NXX codes more efficient. This is just one example of an overriding Commission theme: the efficient use of numbering resources.

[12] 4 47 C.F.R. § 1.3; *see also Administration of the North American Numbering* Plan, CC Docket No. 99-200, Order 20 FCC Rcd 2957, ¶ 4 (*SBCIS Numbering Waiver* Order), citing to *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972) ("*WAIT Radio*").

[13] *SBCIS Numbering Waiver Order* ¶ 4.; *see also Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("*Northeast Cellular*").

[14] 6 *WAIT Radio*, 418 F.2d at 1159; *Northeast Cellular*, 897 F.2d at 1166.

[15] *Telephone Number Requirements for IP-Enabled Services Providers*, WC Docket Nos. 07-243, 07-244, and 04-36, CC Docket Nos. 95-116 and 99-200, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, 22 FCC Rcd 19531 (2007). As used herein, the term *"Porting Order"* shall refer to the Report and Order, Declaratory Ruling, and Order on Remand, and the term *"Notice"* shall refer to the Notice of Proposed Rulemaking. See *Porting Order* at ¶20.

[16] The Letter describes p-ANI as "...consisting of the same number of digits as...ANI, that is *not* a North American Numbering Plan (NANP) telephone directory number and be used in place of ANI . . ." Navin Letter at 1 footnote 1.

[17] Navin Letter at 3.

are indispensable to TCS's VPC business model, TCS subsequently filed its Waiver Petition requesting that the FCC waive the rule as outlined in the Navin Letter.

It is both appropriate and necessary for the FCC to address the issue of VPC access to ESQKs in this proceeding inasmuch as p-ANI resources were specifically mentioned. It is also necessary for the FCC to have dealt with this issue if the Commission is to fulfill its goal of ensuring that users of interconnected VoIP services have access to the same types of capabilities that other users have because as the agency has stated, ". . . consumers expectations for these [interconnected VoIP] services trend toward their expectations for other telephone services."[18] This effort began when the FCC required IP-enabled voice service providers to supply 911 emergency calling capabilities.[19] Adequate number portability cannot be assured if questions remain regarding access to E911 capability;[20] likewise IP-enabled voice service providers cannot be sure that the FCC's E911 requirements can be met in all cases unless VPCs have access to ESQKs. The inability of VPCs to do so represents a potential threat to public safety that must be addressed.

## I. VPC Service Is Critical If IP-Enabled Voice Service Providers Are To Have E911 Capability

TCS is one of the two primary providers of VPC services which provide almost 99% of all call routing instructions to IP-enabled voice service providers and ALI data

[18] *Porting Order*. ¶11.
[19] *Id.* ¶53.
[20] This position also finds support in the Comments of Comcast Corporation, filed in Docket 99-20, where it argues, albeit on a different matter, that the Commission should take steps to ensure that consumers do not lose access to E911 during the porting process. See Docket 99-200 Comments of Comcast at 18 (filed March 24, 2008).

delivery to Public Safety Answering Points ("PSAPs"). ESQKs are critical components of VPC technology. One of the main purposes of a VPC is to provide call routing instructions to the VoIP service provider's softswitch so that E911 calls can be routed to the appropriate PSAP. The means by which the correct PSAP is communicated from the VPC to the softswitch is through the use of ESQKs. Each ESQK represents a different PSAP. Currently, VPCs obtain ESQKs without restriction, and "pool" them to be shared by multiple VPC soft switches. Typically, approximately ten ESQKs are assigned per PSAP, so that ten different calls from a variety of IP-enabled voice service providers can be processed simultaneously.

Without access to ESQKs, the VPCs will be obligated to use ESQKs provided by the IP-enabled voice service providers. This is a viable option for those VSPs that have the resources to complete deployment and testing of every p-ANI to every PSAP. Most VSPs do not have this capacity, however, and such an obligation would be impossible for the majority of VSPs in the country.[21] Thus the ability of the VPCs to acquire ESQKs and to pool them on behalf of multiple VSPs is critical.

Today, VPCs obtain ESQKs via two primary methods. In most areas of the country, the ILEC has assumed the responsibility for managing the assignment of ESQKs and the VPCs obtain ESQKs from it. In other areas, the ILEC has eschewed management of ESQKs. In those localities, the existing VPCs formed a consortium to self-assign and jointly manage ESQKs and have continued to do so as a recognized existing issuing authority. Subsequently, the FCC created the Interim Routing Number Authority and

[21] Due to the nomadic nature of VoIP, a smaller VSP must be able to route E911 calls anywhere in the country, regardless of where their customers may actually reside because a nomadic customer may initiate a 911 call at any time and that call must be properly routed.

empowered NeuStar to operate it subject to various FCC conditions, including those set forth in the Navin Letter, and NANC rules.

Modifying existing regulations and/or granting the proposed waiver will not have a limiting effect on numbering resources because the ESQKs are "non-dialable" numbers and should not really be considered numbering resources.[22] TCS does not provide voice or other end-user telephone-type services. Instead, TCS provides VPC service based on the NENA i2 Model pursuant to which it neither provides the voice path nor interconnects with the PSTN.

Moreover, the VPC approach can play a more general role with regard to LNP. In its comments in Docket 99-200, the National Emergency Number Association ("NENA") encouraged the FCC "to consider the use of the VoIP Positioning Center ('VPC') solution in place today for VoIP customers for 9-1-1 routing" and a means to "help resolve the routing issue that all N11/800-type services face today."[23]

## II. There Is No Need To Apply Part 52's Certification Requirement To VPCs

There is no basis for applying the provisions of 47 C.F.R. § 52.15(g)(2)(i) as a pre-condition for ESQK eligibility as was done in the Navin Letter. The state certification requirement upon which Mr. Navin relied was designed to address the

[22] For example, no reporting is required for ESQKs because the FCC has held that since the category of "available numbers" is a "residual category," carriers were not required to report such numbers. *See Report and Order and Further Notice of Proposed Rulemaking*, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200. 15 FCC Rcd 7574, 7600 n. 99 (2000).

[23] Docket 99-200 Comments of NENA at 7 (filed March 24, 2008). For its part, the National Association of Regulatory Utility Commissioners ("NARUC") suggests that non-certificated service providers could be given access to numbering resources under proper circumstances. Docket 99-200 Comments of the National Association of Regulatory Utility Commissioners at 10 (filed March 24, 2008). In such a circumstance, it would make no sense to grant PSTN numbering resources to non-CLEC certified VoIP providers and to deny ESQKs to non-certificated VPCs such as TCS.

question of how CLECs should obtain numbering resources—which is not at issue here. In addition, the passage of the NET 911 Act makes it clear that relevant capabilities required to provide 911 and enhanced 911 services should be accessible via FCC action, not state certification.

Although States do have an interest in ESQK utilization, state certification is not required to address the states' concerns. CLEC state certification procedures, while appropriate for true "numbering resources" for the PSTN and to provide a legal basis for the negotiation of Interconnection Agreements, are not designed to determine the suitability of a VPC. The state CLEC certification process also often contemplates the filing and approval of a retail tariff, for end-user customers, and/or a wholesale tariff, for use by other carriers. This tariff process is not suitable for a VPC.

VPC state certification in fifty-one jurisdictions is impossible due to CLEC regulations in some states that prohibit certification for entities such as VPCs that do not provide dial tone to retail customers, do not have retail tariffs, and other state specific requirements.[24] In the alternative, IP-enabled voice service providers themselves would be forced to become certificated in all jurisdictions—a task which at a minimum would delay VoIP E911 deployment and strain ESQK resources.

As recent history demonstrates, those VPCs that have attempted to gain CLEC certification have met with mixed results because various jurisdictions have taken conflicting good faith positions (based on differing state laws and regulations) regarding VPC certification. For example, the Public Utilities Commission of Ohio ("PUCO")

[24] In fact, the Bureau's recent Recommended Decision in the *Bright House* proceeding would lead to the conclusion that VPC service is neither "telecommunications" nor "telecommunications service." Recommended Decision *In the Matter of Bright House Networks, LLC et al., v. Verizon California, Inc., et al,*. ¶¶ 12-13 DA 08-860 (April 11, 2008).

refused to certify the VPC Intrado Communications Inc., as a CLEC on the ground that "its telephone exchange activities are restricted in scope and, thus, do not extend to the level of a CLEC."[25] Instead the PUCO established a new designation known as a "competitive emergency services telecommunications carrier."[26] In Virginia, Intrado has had difficulty negotiating an interconnection agreement because Embarq does not recognize it as a "carrier" and, as a result, Intrado has had to file a petition with the FCC seeking to arbitrate the issue.[27]

In TCS' case, state certification would add nothing. TCS is a public company which has demonstrated the required level of integrity as an operator. Moreover, it already provides nationwide VPC service. TCS' VPC service does not require the typical type of interconnection. It is provided from several locations, and is interstate in nature. Consequently, to the extent that any review of a VPC's qualifications is appropriate, it should be done at the federal level and not on a state-by state basis. TCS does agree, however, with NARUC's concerns regarding the need for resource recipients to comply with the reporting requirements of the Part 52 numbering rules and commits to complying with all applicable reporting requirements.[28]

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[25] Finding and Order, *In the Matter of the Application of Intrado Communications, Inc. to Provide Competitive Local Exchange Services in the State of Ohio*, ¶7 Public Utilities Commission of Ohio, Case No. 07-1199-TP-ACE (Feb. 8, 2008).
[26] *Id.*
[27] *Petition of Intrado Communications of Virginia Inc., In the Matter of Petition of Intrado Communications of Virginia Inc*, WC 08-33 (filed March 6, 2008).
[28] *See* NARUC Comments at 10.

## III. The Application Of Part 52's Certification Requirement Would Place A Strain On Numbering Resources, Result In A Delay In VoIP Deployment And Negatively Impact Upon Public Safety

At present, TCS has been able to self-administer a sufficient number of ESQKs to meet the E911 requirements of its clients. In the long run, however TCS might not be able to acquire and manage ESQKs for shared use among its interconnected nomadic VoIP service provider customers. The negative consequences and disruption to the emergency service capabilities of VoIP providers would be significant if this were to occur. Interconnected nomadic VoIP service providers would be required to immediately seek certification in all fifty-one jurisdictions and obtain their own ESQKs. This would create confusion and delay VoIP E911 deployment. It would potentially exhaust the reservoir of assignable ESQKs and would be contrary to NENA recommendations. Moreover, it would require each PSAP to test, at considerable time and expense, with dozens (or hundreds) of interconnected nomadic VoIP service providers that might never actually use the ESQKs assigned to them.

These concerns are not inconsequential. Although it is impossible to address the question of the impact of VPCs on number conservation with complete precision, TCS' calculations were contained in its previous waiver filing[29] leading to the conclusion that a VPC could service the entire country with less than 1% of the p-ANI resources required by VSPs to accomplish the same services.[30]

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[29] *Reply Comments of Telecommunication Systems Inc.*, WC Docket No. 07-243; WC Docket No. 07-244; WC Docket No. 04-36; CC Docket No. 95-116; and CC Docket No. 99-200 (Filed April 21, 2008) ("TCS Reply Comments"), at page 11. TCS incorporates by reference all its earlier Waiver filings.

[30] "As these estimates demonstrate, TCS believes the number conservation benefits involving the use of 122,000 ESQKs versus the use of almost 16 million ESQKs are clear." *Id.*

The public safety benefits of using VPCs as ESQK aggregators are also evident. On an average day, TCS routes over 110,000 E911 calls without difficulty. The disruption, confusion, and even danger to our national E911 system that would be involved in forcing hundreds of interconnected nomadic VoIP service providers to obtain, test, and maintain up to millions of ESQKs argues powerfully in favor of TCS' simple and easily granted Waiver request, or modification of the Commission's rules under the NET 911 Act.[31]

The negative impact that the Commission's position could have was recently recognized by The Association of Public-Safety Communications Officials-International ("APCO") in a Position Statement it posted on April16, 2008. APCO indicated in part:

> APCO International is concerned that some providers of VoIP Position Centers (VPC) may have to discontinue services to VoIP Service Providers (VSP) if they are denied access to pseudo Automatic Number Identification (p-ANI) codes.
>
> APCO International respectfully requests that the Federal Communications Commission (Commission) fully examine the impact of a decision to deny VPC access to p-ANI codes and its affect on the ability of public safety answering points (PSAP) to locate VoIP 9-1-1 callers using current VPC services.
>
> APCO International believes that if VPCs are forced to discontinue services to VSPs VoIP consumers may be at risk when calling 9-1-1.[32]

TCS believes that APCO is justified in its concern that consumers may be at risk if VPCs are forced to discontinue (or are unable to begin to offer) E911 services to VoIP service providers. It is imperative that the Commission act in the affirmative on the Petition.

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[31] TCS Reply Comments at 11.

[32] *TCS and HBF Petition to Waive Part 52 of Commission Rules Position* Statement, APCO Government Affairs http://www.apcointl.org/new/government/positionstatements.php (April 16, 2008)

## IV. TCS' Waiver Meets The Conditions Set Forth In The Navin Letter

TCS is in compliance with the Navin Letter's waiver conditions. It is a public company subject to multiple levels of financial and managerial regulatory oversight by state and federal authorities. It is ISO 9001 certified and the only VPC that is also TL 9000 certified.[33] As a member of all national public service organizations[34], it maintains its VPC operations to the highest industry standards in compliance with continuing membership standards of these emergency services organizations. TCS pays all relevant emergency service fees regarding its operations, and its customers subject to USF remit per requirements applied to them. Therefore, TCS satisfies the waiver conditions foreseen in the Navin Letter and should be eligible to p-ANI resources accordingly.

## VII. The TCS Waiver Petition Is Unique And Should Be Acted Upon

TCS' waiver petition is unique and should be acted upon by the Commission. The fact that to date the FCC has not addressed other waiver petitions on various numbering issues in the *Porting Order*[35] should not preclude the Commission from addressing TCS' Waiver Petition. Likewise, the FCC should not be deterred by the fact that VPCs do not contribute to the universal service mechanism.

TCS' Waiver Petition is materially different from these other petitions because the company is not seeking telephone numbers in order to provide voice service. Moreover, if granted, the waiver would reduce the demand for p-ANI numbering resources (as they are classified today) while at the same time promote public safety and

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[33] www.telecomsys.com

[34] TCS is a member of NENA, APCO, ComCARE, EENA, ESIF, and the E911 Institute as well as other relevant organizations - http://www1.telecomsys.com/about/memberships/index.cfm

[35] *See Porting Order* at ¶20.

encourage the continued growth of interconnected VoIP services. For example, in its petition, Qwest Communications Corporation, acting on behalf of its IP-enabled Services Operations ("QCC/IPES"), has sought a waiver of Section 52.15(g)(2)(i) in order to obtain telephone numbers that QCC/IPES could use in providing VoIP services on a commercial basis to residential, governmental, educational and business customers[36] similar to the relief granted SBCIS.[37]

In contrast, TCS is not seeking traditional numbering resources in order to provide commercial telephone service to end users. Granting TCS' request would in no way undercut the traditional distinctions that the Commission has drawn between the rights and obligations of carriers versus those of non-carriers in connection with the provision of telecommunications and other interconnected end user services and would be totally consistent with the NET 911 Act.

The fact that VPCs do not contribute directly to the universal service support mechanism should also not affect the outcome here. VPCs do not provide the type of service which is typically subject to the universal service requirement.[38] Moreover, since both TCS' wireless and interconnected VoIP service provider customers are required to contribute, the grant of the proposed waiver will not impact upon universal service revenues.[39]

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[36] Qwest Communications Corporation *Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Numbering Resources*, filed March 28, 2005

[37] *Porting Order* at ¶20.

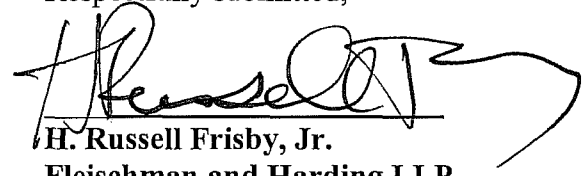
[38] *See* 47 CFR § 54.706.

[39] If TCS were a carrier, which it is not, the revenues that it received would arguably be exempt as "revenues from resellers" in that the revenues would be derived and from services provided to other entities that were contributors to universal service support mechanisms and in essence resold.

## Conclusion

In summary, the FCC should address the Waiver Petition filed by TCS because both the FCC's E911 and LNP efforts and the mandates of the NET 911 Act would be frustrated if interconnected nomadic VoIP service providers were not able to provide E911 capability for ported numbers because TCS was unable to obtain ESQKs, and the continued deployment of interconnected VoIP service might be delayed. The facts demonstrate that there is no need to change the current self-administration process because it works seamlessly. Therefore, consistent with the requirements of the NET 911 Act and/or the Commission's own waiver authority, it would be appropriate for the FCC to modify the implementation of or waive the provisions of Section 52.15(g)(2)(i) so that TCS is deemed to be an eligible user of ESQKs in all jurisdictions regardless of certification and is thereby eligible to receive p-ANI resources.

Respectfully submitted,



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